

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

HAWAIIAN ELECTRIC COMPANY, INC.,

Respondent.

CASE NO. OSH 2008-8

ORDER NO. 292

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) on August 25, 2008, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Steven J. Oppenheimer, Esq., for Respondent, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:

Whether Citation 1, Item 1a, including the characterization as "Serious" and the associated penalty of \$4,500.00, resulting from Inspection No. 310393749, was valid and proper.

Citation 1, Item 1a alleged:

HAR § 12-60-2(b)(4)(C) was violated because:

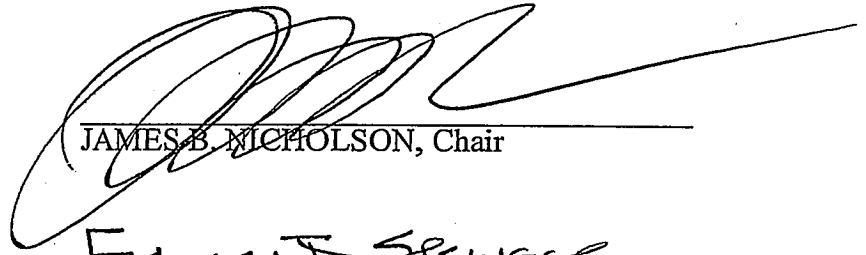
The employer did not ensure that the working foremen understood and practiced their responsibilities under the safety and health program regarding the enforcement of the use of personal protective equipment when working near and at areas with energized parts. On November 7, 2008, there were two instances in which linemen took off their protective rubber gloves when working near and at areas with energized parts. One on (sic) the instances resulted in

an accident in which two linemen received electric shocks and burns.

2. The deadline for filing of the parties' final naming of witnesses is **September 25, 2008**. Each party shall file with the Board the original and four copies of its list of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their testimony, with a certificate of service to the other party, by this date. Each party shall also exchange any expert witness reports by this date.
3. The discovery cutoff date is **October 27, 2008**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **November 25 - 26, 2008 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, August 25, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Steven J Oppenheimer, Esq.